IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 4TH APRIL 2007 / 14TH CHAITHRA 1929

WP(C).No. 23766 of 2006(D)

PETITIONER:

ASWATHY J.S., AGED 18 YEARS,
D/O. M.R.SASIDHARAN PILLAI, PLOT NO.20,
PADMA NAGAR, FORT, THIRUVANANTHAPURAM-23.

BY ADV. SRI.P.K.JOSE
SMT.TESSY JOSE

RESPONDENTS:

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1. CENTRAL BOARD OF SECONDARY EDUCATION,
NEW DELHI REPRESENTED BY THE CHAIRMAN,
COMMUNITY CENTER, PREETHI VIHAR, DELHI-110092.

2. CENTRAL BOARD OF SECONDARY EDUCATION
(CBSE), REGIONAL OFFICE, NO.III J BLOCK,
ANNA NAGAR, CHENNAI-40, REPRESENTED BY THE
DEPUTY SECRETARY.

3. THE PRINCIPAL,
ST. MARY'S RESIDENTIAL CENTRAL SCHOOL,
RAMANKULANGARA, KAVANAD P.O.,KOLLAM-691003
(AFFILIATED TO CENTRAL BOARD OF SECONDARY
EDUCATION, DELHI, AFFILIATION NO.691003).

BY ADV. SRI.DEVAN RAMACHANDRAN
SRI.K.S.MANU (PUNUKKONNOOR)
SRI.P.SREEKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 23766/2006.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF RELEVANT EXTRACT OF ADMISSION IN LOURDE MATHA HSS, CHAVARA SHOWING THE DATE OF BIRTH OF THE PETITONER AS 10.5.1988.

EXT. P2 : TRUE COPY OF THE TRANSFER CERTIFICATE BEARING NO.648,107/05-06 DT. 6.6.2005 OF THE PETITIONER.

EXT. P3 : TRUE COPY OF THE PETITIONER'S MARK LIST DT. 24.5.03 ISSUED BY THE CONTROLLER OF 1ST AND 2ND RESPONDENT.

EXT. P4 : TRUE COPY OF THE CERTIFICATE ISSUED BY THE CONTROLLER OF EXAMINATIONS OF 1ST AND 2ND RESPONDENTS IN REGARD TO THE MARK LIST OF AISSCE 2005 DT. 23.5.05.

EXT. P5 : TRUE COPYOF THE REQUEST LETTER WRITTEN BY 3RD RESPONDENT TO THE 2ND RESPONDENT DT. 21.11.05.

EXT. P6 : TRUE COPY OF THE REQUEST LETTER DT. 20.10.05 SENT BY THE PRINCIPAL LOURD MATHA ENGLISH MEDIUM HIGH SCHOOL TO THE 2ND RESPONDENT.

EXT. P7 : TRUE COPY OF LAWYER NOTICE DT. 25.2.06 SENT BY PETITIONERS LAWYER TO THE 1ST AND 2ND RESPONDENTS.

EXT. P8 : TRUE COPY OF THE REPLY TO EXT. P7 OTICE DT. 5.7.06.

K.M.JOSEPH, J.

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WP.(C) No. 23766 OF 2006

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Dated this the 4th day of April, 2007

JUDGMENT

The prayers in the writ petition are to declare that the date of birth of the petitioner mentioned in Ext.P3 mark list is not correct and that the correct date of birth of the petitioner is as shown in Ext.P1 extract of admission and Ext.P2 transfer certificate and for a direction to respondents 1 and 2 to correct the date of birth of the petitioner as 10.5.1988 instead of 10.5.1987.

2. Heard counsel for the petitioner and Sri. Devan Ramachandran appearing on behalf of respondents 1 and 2. Going by Ext.P5 the Principal has informed the Board that as per the school records the date of birth of the candidate is 10.5.1988.

3. In the judgment in W.P.(C) 37476 of 2004, a learned single Judge dealt with the argument of the Board, which is raised herein also, that the correction can be carried out within two years of declaration of the result of the examination. In this case it is no doubt delayed by a few months. It is not disputed that the judgment is not carried in appeal

and it had become final. I feel that the petitioner is entitled to same relief. The stand of the Board is revealed from Ext.P8 reply notice. Sri. Devan Ramachandran submits that this is a case where the mistake was committed by the School authorities as evident from Ext.P5.

Following the judgment of the learned Single Judge and in the light of the stand taken by Sri. Devan Ramachandran, the writ petition is disposed of directing respondents 1 and 2 to correct the date of birth of the petitioner as 10.5.1988 instead of 10.5.1987. For facilitating the said correction the petitioner will forward the mark sheet and the pass certificate to the first respondent as early as possible. Upon receipt of the said records, correction as ordered shall be done within a period of one month thereafter.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.